

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In re:

SAFE HARBOR BANK, LTD.,

Debtor in a Foreign
Proceeding.

Case No. 11-13629 (WCH)

Chapter 15

ASSENTED TO MOTION TO RESCHEDULE JUNE 17, 2011 HEARINGS

Graham Crabtree, duly appointed Liquidator (“Liquidator” or “Petitioner”) of Safe Harbor Bank, Ltd. (“Safe Harbor”), respectfully requests that the Court reschedule the hearings presently scheduled for **June 17, 2011 at 9:30 a.m.** (the “Hearing Date”) regarding (i) the Official Form Petition and *Verified Petition For Recognition of Foreign Insolvency Proceeding and Application For Related Provisional Relief Pursuant to Sections 1504, 1507, 1509, 1515, 1517, 1520 and 1521 of the Bankruptcy Code* (the “Petition”) [Docket Nos. 1 and 2, respectively] and exhibits thereto and (ii) the *Emergency Motion for Provisional Order Pursuant to Sections 105(A) and 1519 of the Bankruptcy Code and Request For Emergency Hearing* [Docket No. 3] (the “Emergency Motion”) to the first available date that is convenient for the Court after July 1, 2011. In addition, the Petitioner also requests that the Court extends the June 1, 2011 deadline for filing a response to the Petition (the “Objection Deadline”) to a date that is ten (10) days prior to the continued hearing date. In support of this Motion, the Petitioner states as follows:

1. On April 21, 2011, the Petitioner commenced the above-captioned Chapter 15 proceeding through the filing of the Petition seeking recognition of the liquidation proceeding

pending in St. Vincent and Grenadines as Claim No. 9 of 2011 (the “SVG Proceeding”) before the Eastern Caribbean Supreme Court, High Court of Justice (the “Eastern Caribbean Supreme Court”) as a foreign main proceeding to ensure implementation of the winding up order issued by the Eastern Caribbean Supreme Court and to protect Safe Harbor’s U.S.-based collateral.

2. The Petitioner filed an Emergency Motion contemporaneously with the filing of the Petition on April 21, 2011, seeking entry of a provisional order to prevent irreparable harm to Safe Harbor and the SVG Proceeding pending recognition and requesting the stay of the commencement or continuation of actions and proceedings against the Petitioner, Safe Harbor or Safe Harbor’s assets, including the U.S. Action, and enjoining creditors from utilizing any judicial or administrative process to execute, restrain or encumber Safe Harbor’s assets or otherwise take or continue any action against Safe Harbor or the Petitioner.

3. On April 22, 2011, after a hearing, the Court entered an order granting provisional relief (the “Provisional Relief Order”) through a hearing on recognition and scheduled a hearing relating to the Petition for May 13, 2011.

4. The Petitioner filed an *Assented to Expedited Motion for Order (i) Scheduling Hearing on Recognition, (ii) Rescheduling May 13, 2011 Hearing Regarding Provisional Relief, (iii) Specifying the Deadline for Filing Objections , and (iv) Specifying the Form and Manner of Service and Notice* on May 6, 2011, which was granted by the Court by Order dated May 9, 2011 (the “Order Setting Hearing”).

5. Pursuant to the Order Setting Hearing, the Petition and Emergency Motion were rescheduled for hearing on June 3, 2011. The deadline for parties-in-interest to object to the Petition was set for June 1, 2011.

6. The June 3, 2011 hearing assignment was subsequently vacated by the Court and rescheduled to June 17, 2011, in light of work being done at the Barnstable Town Hall.

7. Lead counsel to the Petitioner is unavailable to attend the presently scheduled Hearing Date due to a previously scheduled vacation. Accordingly, the Petitioner requests that the Hearing Date be rescheduled to the first available date that is convenient for the Court after July 1, 2011.

8. Additionally, to correspond with the new hearing date, the Petitioner also requests an extension of the Objection Deadline to a date that is ten (10) days prior to the continued hearing date.

9. Counsel to the plaintiffs in the Barnstable Superior Court matter captioned *Spinal Technology, Inc. et al. v. Graham Crabtree, Liquidator of Safe Harbor Bank, et al.*, Civil Docket BACV2011-00179, Spinal Technology, Inc., Spinal Group, Inc. and James F. Tierney (collectively, the “Plaintiffs”), was consulted with respect to the relief requested through this Motion and has assented to the requested continuance.

WHEREFORE, the Petitioner respectfully requests that this Court enter an Order:

- (i) rescheduling the present hearing on the Petition and Emergency Motion from June 17, 2011 to the next available date convenient to the Court after July 1, 2011;
- (ii) extending the deadline to respond to the Petition to a date that is ten days prior to the rescheduled hearing date; and
- (iii) granting such other and further relief as the Court deems just and proper.

Dated: May 25, 2011

Respectfully submitted,

GRAHAM CRABTREE, IN HIS CAPACITY AS
LIQUIDATOR OF SAFE HARBOR BANK, LTD.

By his Attorneys

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/s/ John J. Monaghan

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Relief requested assented to by:

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COUNSEL TO SPINAL TECHNOLOGY, INC.,
SPINAL GROUP, INC., AND JAMES F. TIERNEY

CERTIFICATE OF SERVICE

I, Diane N. Rallis, counsel to Graham Crabtree, in his Capacity as Liquidator of Safe Harbor Bank, Ltd. in the above-captioned bankruptcy proceeding, do hereby certify that on May 25, 2011, I caused copies of the foregoing to be served upon the attached list of interested parties by ECF and/or first-class mail, postage pre-paid.

/s/ Diane N. Rallis
Diane N. Rallis

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